

Introduced by Senator Cox
(Coauthor: Assembly Member Jones)

February 18, 2005

An act to add and repeal Section 23538.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 547, as introduced, Cox. Vehicles: driving-under-the-influence (DUI): probation: vehicle impoundment.

(1) Existing law authorizes a court to order the impoundment of a person's vehicle when the person has been convicted of violating certain provisions prohibiting driving a vehicle while under the influence of alcohol or any drug, or a combination of those, if the conviction occurs within 5 years of a prior DUI conviction.

This bill establish a pilot program in Sacramento County that would require, until January 1, 2009, a court to order the impoundment of a person's vehicle if the court grants probation for a first-time DUI offense and imposes as a condition of probation that the person enroll in, participate in, and successfully complete a licensed DUI program. To the extent that this requirement would impose additional duties on the county, the bill would establish a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23538.5 is added to the Vehicle Code,
2 to read:
3 23538.5. (a) If a court grants probation under Section 23538
4 and imposes as a condition of probation that the driver enroll in,
5 participate in, and successfully complete a program licensed
6 under Section 11836 of the Health and Safety Code, the court
7 shall also order the impoundment of the person's vehicle for 30
8 days.
9 (b) On or before January 1, 2009, the county shall report to the
10 Legislature regarding the effectiveness of the pilot program
11 authorized under this section in reducing the number of first-time
12 violations and repeat offenses of Section 23152 in the county.
13 (c) This section applies only to the County of Sacramento.
14 (d) This section shall remain operative only until January 1,
15 2009.
16 (e) This section shall remain in effect only until January 1,
17 2010, and as of that date is repealed, unless a later enacted
18 statute, that is enacted before January 1, 2010, deletes or extends
19 that date.
20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.